

Entered on Docket

May 20, 2005

GLORIA L. FRANKLIN, CLERK  
U.S. BANKRUPTCY COURT  
NORTHERN DISTRICT OF CALIFORNIA

Signed: May 20, 2005

LESLIE TCHAIKOVSKY  
U.S. Bankruptcy Judge

GOLDBERG, STINNETT, MEYERS & DAVIS  
A Professional Corporation  
KATHERINE D. RAY, ESQ. CA Bar #121002  
44 Montgomery Street, Suite 2900  
San Francisco, CA 94104  
Telephone: (415) 362-5045  
Facsimile: (415) 362-2392

BAKER BOTTS LLP  
STEVEN L. LEIFER, ESQ. (admitted *pro hac vice*)  
JOSHUA B. FRANK, ESQ.  
1299 Pennsylvania Avenue, N.W.  
Washington, DC 20004-2400  
Telephone: (202) 639-7723  
Facsimile: (202) 585-1040

Attorneys for Plaintiff,  
Hexcel Corporation, Reorganized Debtor

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

In re:

HEXCEL CORPORATION, a Delaware  
corporation,

Debtor.

Case No. 93-48535 T

Chapter 11

HEXCEL CORPORATION, a Delaware  
corporation,

Plaintiff,

A.P. No. 04-4246

vs.

NEW JERSEY DEPARTMENT OF  
ENVIRONMENTAL PROTECTION,  
UNITED STATES ENVIRONMENTAL  
PROTECTION AGENCY,

Defendants.

**ORDER DISMISSING ADVERSARY PROCEEDING PURSUANT TO STIPULATION**

1  
2 Based upon the Stipulation For Dismissal by and among Hexcel Corporation, a Delaware corporation  
3 and the reorganized debtor and plaintiff herein, the New Jersey Department of Environmental Protection, a  
4 defendant herein, and the United States Environmental Protection Agency, a defendant herein, filed on or  
5 about May 2, 2005, and good cause appearing therefor,

6 NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED as follows:

- 7 1. The Stipulation is hereby APPROVED.
- 8 2. Pursuant to the provisions of Rule 41 of the Federal Rules of Civil Procedure, made  
9 applicable herein pursuant to Rule 7041 of the Federal Rules of Bankruptcy Procedure, the within adversary  
10 proceeding is hereby DISMISSED WITHOUT PREJUDICE, each party to bear its own fees and costs.

11 \*\*END OF ORDER\*\*  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

## COURT SERVICE LIST

1  
2  
3 Katherine D. Ray, Esq.  
4 Goldberg, Stinnett, Meyers & Davis, APC  
5 44 Montgomery Street, Suite 2900  
6 San Francisco, CA 94104  
7 (Attorneys for Plaintiff, Hexcel Corporation)  
8  
9 Steven L. Leifer, Esq.  
10 Baker Botts LLP  
11 1299 Pennsylvania Avenue, N.W.  
12 Washington, DC 20004-2400  
13 (Attorneys for Plaintiff, Hexcel Corporation)  
14  
15 Joan-Olawski-Stiener, Esq.  
16 Deputy Attorney General, State of New Jersey  
17 Department of Law and Public Safety, Division of Law  
18 Richard J. Hughes Justice Complex  
19 25 Market Street  
20 P.O. Box 093  
21 Trenton, New Jersey 08625-0093  
22 (Attorneys for Defendant, NJDEP)  
23  
24 Elise S. Feldman, Esq.  
25 Environmental Enforcement Section  
26 Environment and Natural Resources Division  
27 U.S. Department of Justice  
28 P.O. Box 7611  
Ben Franklin Station  
Washington, DC 20044  
(Attorneys for Defendant, USEPA)  
  
Office of the U.S. Trustee  
1301 Clay Street, Suite 690N  
Oakland, CA 94612-5202

#93-485215 LT

HP #04-04242

1  
2  
3  
4  
5 IN THE UNITED STATES DISTRICT COURT  
6  
7 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
8

9 IN RE HEXCEL CORPORATION,

No. C 05-01432 WHA

10 Debtor.

11  
12 HEXCEL CORPORATION,

ORDER FINDING  
MOTION TO WITHDRAW  
REFERENCE MOOT

13 Plaintiff,

14 v.

15 NEW JERSEY DEPARTMENT OF  
16 ENVIRONMENTAL PROTECTION, and  
17 UNITED STATES ENVIRONMENTAL  
PROTECTION AGENCY,

18 Defendants.  
19

20 It is the Court's understanding that the parties have settled the underlying adversary  
21 proceeding in the Bankruptcy Court for the Northern District of California. The pending  
22 motion to withdraw reference is thus RENDERED MOOT. The hearing on that motion, currently  
23 scheduled for JUNE 9, 2005 AT 8 A.M., is VACATED. As there is no need for further proceedings  
24 in this matter, the Clerk SHALL CLOSE THE FILE.

25  
26 IT IS SO ORDERED.

27  
28 Dated: May 23, 2005

*Wm Alsop*  
WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE

United States District Court  
For the Northern District of California

**Other Orders/Judgments**

3:05-cv-01432-WHA Hexcel Corporation v. New Jersey Department of Environmental Protection et al

U.S. District Court  
Northern District of California  
**Notice of Electronic Filing or Other Case Activity**

NOTE: Please read this entire notice before calling the Help Desk. If you have questions, please email the Help Desk by replying to this message; include your question or comment along with the original text.

Please note that these Notices are sent for all cases in the system when any case activity occurs, regardless of whether the case is designated for e-filing or not, or whether the activity is the filing of an electronic document or not.

If there are two hyperlinks below, the first will lead to the docket and the second will lead to an e-filed document.

*If there is no second hyperlink, there is no electronic document available.*

See the FAQ posting "I have a Notice of Electronic Filing that was e-mailed to me but there's no hyperlink..." on the ECF home page at

The following transaction was received from whalc1, COURT STAFF on 5/23/2005 at 4:15 PM

**Case Name:** Hexcel Corporation v. New Jersey Department of Environmental Protection et al  
**Case Number:** 3:05-cv-1432

**Filer:**

**Document Number:** 9

**Docket Text:**

ORDER FINDING MOTION TO WITHDRAW REFERENCE MOOT, finding moot [1] Withdrawal of Reference filed by United States Environmental Protection Agency, re [8] Stipulation of Dismissal filed by United States Environmental Protection Agency. Signed by Judge Alsup on 5/23/05. (whalc1, COURT STAFF) (Filed on 5/23/2005)

The following document(s) are associated with this transaction:

**Document description:** Main Document

**Original filename:** G:\WHAALL\2005Civ\05-01432 Hexcel\finding motion moot.pdf

**Electronic document Stamp:**

[STAMP CANDStamp\_ID=977336130 [Date=5/23/2005] [FileNumber=1897088-0]  
[918c3ea65bcfa6db2c9e09bac65384c163fc4501c3922c06f0efae4ab9b3b12514a6a  
c081174eca2505630d55b751f0bdf92d710eebd5b3d94acb2dd26e5437a]]

3:05-cv-1432 Notice will be electronically mailed to:



Stephen Lawrence Johnson    stephen.johnson2@usdoj.gov

**3:05-cv-1432 Notice will NOT be electronically mailed to:**

Elise S. Feldman  
US Department of Justice  
Environmental Enforcement Section  
PO Box 7611  
Ben Franklin Station  
Washington, DC 20044

Stephen L. Johnson  
Office of the US Attorney  
450 Golden Gate Ave.  
10th Floor  
Box 36055  
San Francisco, CA 94102

Joan Olawski-Steiner  
25 Market St.  
PO Box 093  
Trenton, NJ 08625-0093

Katherine D. Ray  
Goldberg, Stinnett, Meyers and Davis  
44 Montgomery St., #2900  
San Francisco, CA 94104

Leslie Tchaikovsky  
U.S. Bankruptcy Court  
Northern District of California  
1300 Clay St. #300  
P.O. Box 2070  
Oakland, CA 94604

USBC Manager-Oakland  
U.S. Bankruptcy Court  
1300 Clay Street, Third Floor  
Oakland, CA 94612

UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

Hexcel Corporation,  
Plaintiff,

Case Number: CV05-01432 WHA

**CERTIFICATE OF SERVICE**

v.

New Jersey Department of Environmental  
Protection et al,

Defendant.

---

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on May 24, 2005, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

USBC Manager-Oakland  
U.S. Bankruptcy Court  
1300 Clay Street, Third Floor  
Oakland, CA 94612

Elise S. Feldman  
US Department of Justice  
Environmental Enforcement Section  
PO Box 7611  
Ben Franklin Station  
Washington, DC 20044

Joan Olawski-Steiner  
25 Market St.  
PO Box 093  
Trenton, NJ 08625-0093

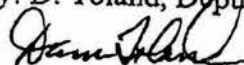
Katherine D. Ray  
Goldberg, Stinnett, Meyers and Davis  
44 Montgomery St., #2900  
San Francisco, CA 94104

Leslie Tchaikovsky  
U.S. Bankruptcy Court  
Northern District of California  
1300 Clay St. #300

P.O. Box 2070  
Oakland, CA 94604

Dated: May 24, 2005

Richard W. Wieking, Clerk  
By: D. Toland, Deputy Clerk

A handwritten signature in dark ink, appearing to read "D. Toland", is written over the printed name of the Deputy Clerk.



USBC Manager-Oakland  
U.S. Bankruptcy Court  
1300 Clay Street, Third Floor  
Oakland, CA 94612

CV05-01432 WHA